

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CURTIS GARNER, :
:
Petitioner, :
: **CIVIL ACTION**
v. :
:
PHILADELPHIA PRISON SYSTEM, : **NO. 15-4879**
et al., :
Respondents.

ORDER

AND NOW, this 18th day of April, 2016, upon careful and independent consideration of the Petition for Writ of Habeas Corpus, and after review of the Report and Recommendation of United States Chief Magistrate Judge Linda K. Caracappa, **IT IS HEREBY ORDERED** that:

1. The Report and Recommendation is **APPROVED AND ADOPTED**.¹
2. The Petition for Writ of Habeas Corpus is **DISMISSED without prejudice** as to petitioner's unexhausted claim and **DISMISSED with prejudice** as to petitioner's non-cognizable claims.
3. There is no probable cause to issue a certificate of appealability.

The Clerk of Court shall mark this case **CLOSED** for statistical purposes.

BY THE COURT

/s/ Lawrence F. Stengel
LAWRENCE F. STENGEL, J.

¹ I note that the petitioner did not file objections to the Report and Recommendation.